IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL W.P. NO.220 OF 2005

Soni Group of Companies
(Soni Associates) & Ors. ..Petitioners

Vs.

State of Maharashtra & Anr. ...Respondents

...

Mr.C.K.Talekar Advocate for Petitioners
Mr.M.M.Vashi for Respondent No.2
Mr.S.R.Shinde A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : SEPT. 26,2005

P.C.

1. Heard the learned advocate for the petitioners learned advocate for the respondent no.2-complainant and the learned A.P.P. for the State.

2. The petitioners are seeking quashing of process issued by the learned Metropolitan Magistrate, 24th Court at Borivali, Mumbai in C.C.No.341/S/2001. In the said case process was issued against the petitioners under Section 13 of the Maharashtra

Ownership of Flats Act 1963 and Sections 406 and 420 of IPC.

3. For the reasons recorded in the decision of this Court in the case of **V.K.Jain and others Vs. Pratap V. Padode reported in 2005(3) Mh.L.J.778,** I am of the opinion that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioners makes a statement that the necessary revision will be preferred within four weeks from today. In view of this statement, the trial Court shall not proceed with the trial for a period of four weeks.

. The learned advocate for the respondent

no.2-complainant fairly states that no objection will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]